

son, Dillard, Davenport, Dwyer, Ellis, Friend, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Russell, Shepard, Stirman and Swift—20.

Senator Ireland offered the following amendment: "Amend section 4, line 2, by striking out the words 'Tuesday, in April,' and insert the words 'Monday in August.'"

Pending the discussion on the above amendment, on motion of Senator Parker, the Senate adjourned until 10 o'clock A. M. to-morrow.

ELEVENTH DAY.

SENATE CHAMBER,
AUSTIN, January 23, 1875. }

Senate met pursuant to adjournment; roll called; quorum present. Prayer by Rev. A. G. Stacey, of Austin. Journal of yesterday read and adopted.

Senator Hobby, Chairman Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have examined and find correctly enrolled Senate bill No. 207, "An act to provide for the disposal of certain lands belonging to the State of Texas, and known as the Indian Reservations," and this day at 10 o'clock A. M., presented the same to the Governor for his approval.

Hobby, Chairman.

Senator Joseph, for Committee on Engrossed Bills, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 489, "An act to authorize the person in charge of the Capitol and Capitol grounds and State cemetery, under act of April 29th, 1874, to contract for the necessary piping and fixtures for gas

lights throughout the Capitol, and making an appropriation therefor," and find the same correctly engrossed.

JOSEPH, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate joint resolution No. 447, "Condemning the interference with, and the destruction of, the State government of Louisiana, by the present Federal administration," and find the same correctly engrossed.

JOSEPH, for Committee.

Senator Westfall, Chairman Committee on Education, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 506, "An act supplemental and amendatory to the several acts authorizing the sale and disposition of the University lands in the State of Texas." have had the same under consideration, and instruct me to report the same back and recommend that it do pass.

WESTFALL, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 455, "An act supplemental to 'an act to establish and maintain a system of public free schools in the State of Texas,' passed April 30, 1873, respectfully ask leave to report the same back to your honorable body, and recommend its passage with the following amendment: Add to section one the following words: "*provided*, that when charges are made against an officer under this act, the person or persons making the same, shall furnish a copy thereof to such officer, if he be found in the county; and he shall have five days to answer said charges and file affidavits in proof of the same, if he desires to do so; and proof of the charges may be sustained by affidavits of witnesses."

W. H. WESTFALL, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 465, "An act to provide for the proper disbursement of money raised for the purpose of building

school houses under the provisions of section twenty-three of 'an act to establish and maintain a system of public free schools in the State of Texas,' passed April 30, 1873, have considered the same, and instruct me to report the same back to the Senate, and recommend its passage.

W. H. WESTFALL, Chairman.

Senator Moore, Chairman Committee on Federal Relations, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Federal Relations, to whom was referred Senate joint resolution No. 531, "Relating to the veterans of the war between the United States and Mexico," have carefully considered the same, and instruct me to report the same back, with the recommendation that the same do pass.

MOORE, Chairman.

Senator Ireland, Chairman Judiciary Committee, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred resolution "Instructing said committee to report a bill embracing in its provisions all laws on the subject of fees to officers," instruct me to report the accompanying bill, with recommendation that it do pass.

IRELAND, Chairman.

The title of the bill referred to is : "An act to regulate fees of officers."

On motion of Senator Ireland, the rules were suspended, bill read first time, ordered to lie on the table, and one hundred copies ordered printed.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 517, "An act to prescribe the times of holding court in the Thirteenth Judicial District, and to add the county of Young to said district," having considered the same, instruct me to report the bill back to your honorable body, and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 532, "An act to amend section 2 of 'an

act to prescribe the mode of adoption," having carefully considered the same, instruct me to report said bill back to your honorable body, with the recommendation that it do pass.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 224, "An act to regulate fire and marine insurance companies," have considered the same, and instruct me to report the said bill back to your honorable body, and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee report back to the Senate, House bill No. 585, "An act to amend an act entitled an act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved February 6, 1871; approved May 31, 1873; and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate, Senate bill No. 529, "An act to amend articles 757 and 766 of Penal Code," and recommend that it do not pass.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 520, "An act concerning the maintenance of suits affecting the title to real estate," report the same back to the Senate, and recommend that it do not pass.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee have considered Senate bill No. 525, "An act to prescribe the times of holding general elections in the State," and instruct me to report the same back to the Senate, and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Judiciary Committee, to whom was referred Senate

bill No. 523, "An act to amend an act concerning rents and advances," instruct me to report the same back to the Senate and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate, Senate bill No. 528, "An act to declare certain parties to be outlaws," and recommend that it be referred to the joint select committee on frontier depredations from the two Houses.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 519, "An act for the relief of the heirs of Charles Philips," have carefully considered the same and instruct me to report the said bill back to your honorable body and recommend its passage.

JOHN IRELAND, Chairman.

Senator Culberson, Chairman Committee on Internal Improvements, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 463, "An act to limit the amount of bonds to be issued to the International Railroad Company, and to provide for the payment of the same, and to adjust all matters of difference between the State and said company," have had said bill under consideration, and a majority of your committee instruct me to report the following amendments : 1st. Amend by adding to section two, "and to meet the payment of interest as they become due on the bonds to be issued under this act, to and including the first day of July, A. D. 1877, the Governor is hereby authorized to sell bonds of the State of the same character and description as those authorized by the act, approved March 4, A. D. 1874, entitled 'an act to provide money to pay the floating indebtedness of the State.'" 2nd. Amend line fourteen, section three, by

adding after the word 'be,' the words 'assessed and,' and recommend that the bill, as amended, do pass.

CULBERSON, Chairman.

Senator Flanagan, for Committee on Internal Improvements, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements to whom was referred Senate bill No. 488, "An act to encourage the construction of a canal from or near the Marble Falls on the Colorado river, to the city of Austin," have had the same under consideration, instruct me to report the accompanying substitute, and ask its passage.

FLANAGAN, Chairman.

The title of the substitute referred to, is "An act to encourage the construction of a Canal from or near the Marble Falls, on the Colorado river, to the city of Austin."

Senator Westfall submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Special Committee to consider a resolution "making an appropriation to employ an oculist to treat all curable cases of blindness in the institution for the blind," have had the same under consideration, and instruct me to report back the following bill, and recommend its passage.

WM. H. WESTFALL, Chairman.

The title of the bill referred to is : "An act making an appropriation for the purpose of paying an oculist for treating invalids of the institute for the blind." Read first time.

Senator Bradshaw offered the following resolution :

Resolved, That it is the sense of this body that further legislation upon the International bond question be postponed until after the constitutional convention. Read and laid over under the rules.

Senator Bradley introduced a bill entitled "An act authorizing the Commissioner of the General Land Office to employ additional help for the business of said office." Read first time and ordered to lie on the table.

Senator Davenport introduced a bill entitled "An act to validate the acts of J. B. Supple, Notary Public of Bell county." Read first time.

On motion of Senator Davenport, the rules were suspended, bill read second time and ordered engrossed.

On motion of Senator Davenport, the rules were further suspended, bill read third time and passed.

A message was received from the House announcing the passage of the following bills: House bill No. 587, "An act to amend article 612a of the Penal Code;" House bill No. 559, "An act to amend section one of an 'an act directing the publication of the expenditures, assets and indebtedness of the several counties,'" approved March 8th, 1873. Substitute for House bill No. 106, "An act to incorporate the Wesleyan University."

Senator Russell introduced a bill entitled "An act, regulating the times of holding the District Courts in the Twenty-fourth Judicial District." Read first time and referred to Judiciary Committee.

Senator Hobby introduced a bill entitled "An act to improve the navigation of Neches river, from Weiss' Bluff to the mouth of Pine Island Bayou, in the State of Texas." Read first time and referred to Committee on Internal Improvements.

Senator Stirman introduced a bill entitled "An act to amend section third of an act entitled 'an act to regulate taxation,'" approved January 3, 1873. Read first time and referred to Finance Committee.

Senator Randle introduced a bill entitled "An act to authorize the county court of Walker county to levy and collect a special tax in the year 1875, for payment of a judgment in favor of Mrs. Francis Murray, of said county." Read first time and referred to Judiciary Committee.

Senator Ireland introduced a joint resolution, "proposing to the United States that Texas will defend her own frontiers for a certain consideration." Read first time and referred to the joint select committee of the two Houses on Mexican frontier.

On motion of Senator Joseph, the rules were suspended, and Senate bill No. 524, "An act to amend section 8 of 'an act to incorporate the Gulf, Colorado and Santa Fe Railroad Company,'" was taken up and read second time, pending an amendment by the committee reporting on said bill.

The amendment of the committee was adopted.

Senator Shepard offered the following amendment:

Amend by adding to section one the following words:

"*Provided, further,* That said railway shall cross the county of Washington at one of the following towns, to-

wit: Chappel Hill, Brenham or Burton, said company having its choice of said towns ; and shall erect and maintain a passenger and freight depot within three-quarters of a mile of the centre of the town so selected ; *provided*, the citizens of said town shall donate to the company the right of way for a single track, with all necessary switches, turn-outs, side-tracks, etc., together with sufficient land for depot purposes, not to exceed ten acres ; *and provided, further*, that said company shall not demand or receive a subsidy from either of said towns in consideration of the building of said railway to or near the same ; *provided, further*, that nothing in this act shall prohibit said company from receiving any voluntary aid or assistance." Adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Flanagan, the rules were further suspended, bill read third time and passed.

On motion of Senator Shepard, the rules were suspended and House bill No. 597, "An act to amend 'an act to create the county of Waller, passed April 28, 1873, and to better define the boundary line between Grimes and Waller counties.'" was taken up and read first time.

On motion of Senator Shepard, the rules were further suspended, bill read second time and passed to third reading.

On motion of Senator Shepard, the rules were further suspended, bill read third time and passed.

Senator Ireland, Chairman Judiciary Committee, by leave, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred House Hill No. 224, "An act to regulate fire and marine insurance companies," instruct me to report same back, with amendments, and ask its passage.

Amend caption of bill by adding after the word "Companies," the words "and providing fines and penalties for its enforcement."

JOHN IRELAND, Chairman.

The hour for the consideration of the special order having arrived, to-wit: the consideration of Senate joint resolution No. 452, "Providing for a convention to frame a constitution for the State of Texas," pending an amendment offered by Senator Ireland on yesterday, said amendment

being as follows : Amend section four, line two, by striking out the words "Tuesday, in April," and insert the words "Monday in August ;" it was taken up.

The amendment was adopted by the following vote :

YEAS—Senators Allison, Baker, Bradley, Dillard, Dwyer, Ellis, Flanagan, Ireland, Ledbetter, Morris, Moore, Parker, Randle, Russell and Swift—15.

NAYS—Senators Ball, Bradshaw, Camp, Culberson, Davenport, Erath, Friend, Hobby, Joseph, Shepard, Stirman and Westfall—12.

Senator Bradley offered the following amendment :

Amend section four by striking out all of said section from line six to line fifteen, inclusive, and insert in lieu thereof the following words : "and at said election, each voter, in voting for delegates, shall vote 'for convention,' or 'against convention ;' 'and the vote of each county for and against convention, shall be certified to the Secretary of State by the presiding justice of each county ; and if upon the count of the vote of the people of the State it be found that a majority have voted for a convention, it shall be the duty of the Governor to issue his proclamation convening the delegates elected to said convention, in accordance with the provisions of this joint resolution ; *provided*, that if it be found that a majority of the voters at said election have voted 'against a convention,' the said convention shall not be convened.' " Adopted by the following vote :

YEAS—Senators Allison, Baker, Bradley, Ellis, Erath, Flanagan, Hobby, Ireland, Ledbetter, Morris, Moore, Parker, Randle, Russell, Stirman, Swift and Westfall—17.

NAYS—Senators Ball, Bradshaw, Camp, Culberson, Dillard, Davenport, Dwyer, Friend, Joseph and Shepard—10.

Senator Culberson offered the following amendment as a substitute for third section : "That such delegates shall be elected by the qualified electors of the State, as follows : 'the qualified electors of each senatorial district shall elect three delegates, and the qualified electors of the State shall elect ten delegates.' " Lost by the following vote :

YEAS—Senators Baker, Bradley, Culberson, Flanagan, Ledbetter and Randle—6.

NAYS—Senators Allison, Ball, Bradshaw, Camp, Dillard, Davenport, Dwyer, Ellis, Erath, Friend, Hobby, Joseph, Morris, Moore, Parker, Russell, Shepard, Stirman, Swift and Westfall—20.

Senator Dwyer offered the following amendment :

“Amend section 3, line 4, by adding after the word ‘elect,’ the words ‘two delegates, and the qualified electors of each congressional district shall choose and elect three delegates, and the qualified electors of the State shall choose and elect twelve delegates from the State at large.’”

Senator Culberson offered the following as a substitute for the amendment offered by Senator Dwyer: “Strike out the word ‘three’ and insert the word ‘four’ in fourth line, section three.”

The question being on the adoption of the substitute, it was adopted by the following vote :

YEAS—Senators Ball, Bradshaw, Camp, Culberson, Ellis, Flanagan, Hobby, Ireland, Joseph, Ledbetter, Randle, Russell, Shepard and Westfall—14.

NAYS—Senators Allison, Baker, Bradley, Dillard, Davenport, Dwyer, Erath, Friend, Morris, Moore, Parker, Stirman and Swift—13.

The question then recurring on the passage of the substitute offered by Senator Culberson, it was lost by the following vote :

YEAS—Senators Ball, Bradshaw, Culberson, Ellis, Flanagan, Hobby, Ireland, Joseph, Ledbetter, Randle, Russell, Shepard and Westfall—13.

NAYS—Senators Allison, Baker, Bradley, Camp, Dillard, Davenport, Dwyer, Erath, Friend, Morris, Moore, Parker, Stirman and Swift—14.

Senator Erath offered the following amendment: Add to section 3 the words, “that each organized county shall elect one delegate.” Lost.

Senator Ellis offered the following amendment: “Amend section one by striking out the words ‘first Monday in May, 1875,’ and insert in lieu thereof the words ‘first Monday in September, 1875.’” Adopted.

(Senator Ireland in the chair.)

Senator Shepard offered a joint resolution, “calling a convention of the people of the State of Texas, to assemble at the State capitol, in the city of Austin, on the — day of May, and to defray the expenses of the same,” as a substitute for the joint resolution under consideration.

Senator Dillard moved to indefinitely postpone the consideration of the joint resolution offered by Senator Shepard.

Senator Shepard stated that the motion of Senator Dillard was out of order.

The chair decided that the motion of Senator Dillard was in order.

Senator Shepard appealed from the decision of the chair.

The Senate sustained the ruling of the chair.

The motion of Senator Dillard was then adopted by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradley, Camp, Dillard, Davenport, Ellis, Friend, Ireland, Ledbetter, Morris, Moore, Parker, Randle, Russell, Stirman, Swift and Westfall—19.

NAYS—Senators Bradshaw, Culberson, Dwyer, Erath, Flanagan, Hobby, Joseph and Shepard—8.

Senator Joseph offered the following amendment as an additional section :

(The President in the chair.)

“Section 6. The sum of one hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the mileage and *per diem* of delegates to and officers of said convention, and the contingent expenses of said body, which may be drawn or paid out in the manner to be provided for by said convention.” Adopted.

Senator Swift offered the following amendment : Add to section three the following words, “Such delegates shall be chosen and elected by the qualified electors of the State of Texas as follows :

“The qualified electors of each Senatorial District shall be allowed the same number of delegates that they now allow Representatives in the Lower House of the Legislature under the present apportionment.” Lost.

Senator Shepard moved to re-refer the joint resolution to the Committee on Judiciary and Constitutional Amendments. Lost.

Senator Ellis moved the previous question, which was the engrossment of the joint resolution. Previous question ordered.

The joint resolution was then ordered engrossed as amended.

The question then recurring on the final passage of the joint resolution, it was passed by the following vote :

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Camp, Culberson, Dillard, Davenport, Dwyer, Ellis, Erath,

Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Stirman, Swift and Westfall—23.

NAYS—Senators Baker, Russell and Shepard—3.

Senator Shepard explained his vote on the above joint resolution, as follows, and asked that it be spread on the journals :

Believing that a large majority of the Democrats of this State desire the assembling of a constitutional convention, at the earliest possible period, and that it be dependent upon no contingency ; and believing further, that the effect of this bill will be to thwart the will of the people, as I understand it, and perhaps to prevent the assembling of a convention at all, I must vote "no."

Senator Russell presented the following as his reasons for voting against the passage of the joint resolution :

I voted against the joint resolution convening a constitutional convention—

First, because I consider the same unnecessary and entailing very great expense, which could be avoided without in the least jeopardizing the interest of the people, or curtailing their right to perfect the constitution of the State.

Second, because amendments to the constitution, covering and curing every defect therein, can now, at very trifling expense, be submitted by the Legislature to the people for their adoption or rejection at the next general election, thus perfecting the constitution without delay, and at no greater cost than advertising the amendments.

Third, because the submission of amendments to the constitution by the Legislature, for adoption or rejection by the people, is the manner indicated in the constitution by which that instrument may be altered or amended.

WM. H. RUSSELL, Senator 30th District.

On motion of Senator Ireland, the rules were suspended and Senate bill No. 525, "An act amending the first section of 'an act prescribing the time of holding general elections in the State,'" passed May 26, 1873, was taken up, read second time and ordered engrossed.

On motion of Senator Ireland, the rules were further suspended, bill read third time and passed by the following vote :

YEAS—Senators Allison, Baker, Bradley, Dwyer, Ellis,

Flanagan, Friend, Hobby, Ireland, Ledbetter, Morris, Moore, Randle, Swift and Westfall—15.

NAYS—Senators Ball, Bradshaw, Camp, Culberson, Dillard, Davenport, Erath, Joseph, Parker, Russell, Shepard and Stirman 12.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 513, "An act validating the official acts of Jas. W. Bennett, as sheriff of Lavaca county, and providing for the execution of his bond as sheriff of said county," and we find the same correctly engrossed.

SHEPARD, for Committee.

On motion of Senator Westfall, the rules were suspended and Senate bill No. 488, "An act to encourage the construction of a canal from or near the Marble Falls, on the Colorado river, to the city of Austin," was taken up, as also the substitute therefor, recommended by the committee reporting on said bill; said substitute being entitled "An act to encourage the construction of a canal from or near the Marble Falls, on the Colorado river, to the city of Austin," was taken up. Substitute read first time and adopted.

On motion of Senator Westfall, the rules were further suspended and substitute read second time.

Senator Dwyer offered the following amendment: "Amend by striking out the word "twenty" wherever it occurs before the word "section," and insert in lieu thereof the word "twelve." Adopted.

On motion of Senator Flanagan, the bill was re-referred to Committee on Internal Improvements.

On motion of Senator Morris, the rules were suspended and Senate bill No. 503, "An act making an appropriation to improve the Capitol grounds," was taken up.

On motion of Senator Culberson, the Senate adjourned until 11 o'clock A. M. Monday.